

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cr-00117-MOC-WCM-1

UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
JAYCE CHRISTOPHER THOMPSON,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Defendant’s Motion to Seal Sentencing Memorandum Exhibit 1 and 1a (the “Motion to Seal,” Doc. 26), which seeks an order sealing a Case Review and Evaluation prepared by Dr. Charles Samenow (Exhibit 1, Doc. 27) and Dr. Samenow’s Curriculum Vitae (Exhibit 1a, Doc. 27-1).

In evaluating a motion to seal, the Court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000).

The undersigned has considered the Motion to Seal, the public’s interest in access to the subject documents, and alternatives to sealing.

The Motion to Seal has appeared on the docket since it was filed on July 26, 2021. The Motion does not indicate the Government's position and the deadline for the Government to object to the Motion to Seal has not passed. Nonetheless, the public has been provided with some notice and an opportunity to object to the Motion to Seal. Additionally, sentencing in this matter has been noticed for August 3, 2021, and the public will have a right to attend, subject to the discretion of the District Court.

Further, the Case Review and Evaluation contains Defendant's sensitive personal psychological information as well as information about other individuals.

In addition, Defendant's sentencing memorandum has been filed publicly (Doc. 25); the Motion to Seal only seeks the sealing of the Case Review and Evaluation prepared by Dr. Charles Samenow (Exhibit 1, Doc. 27) and Dr. Samenow's Curriculum Vitae (Exhibit 1a, Doc. 27-1).

The undersigned concludes that, based on the information before the Court at this time, Defendant has made the required showing and therefore will allow the Motion as to the Case Review and Evaluation. This ruling, however, is subject to further consideration by the District Court in connection with Defendant's sentencing, or upon a subsequent motion to unseal the Case Review and Evaluation.

IT IS THEREFORE ORDERED THAT Defendant's Motion to Seal Sentencing Memorandum Exhibit 1 and 1a (Doc. 26) is **GRANTED IN PART and DENIED IN PART** as follows:

1. The Case Review and Evaluation prepared by Dr. Charles Samenow (Exhibit 1, Doc. 27) is **SEALED** and shall remain sealed until further Order of the Court.
2. Dr. Samenow's Curriculum Vitae (Exhibit 1a, Doc. 27-1) shall be **UNSEALED**.

Signed: July 29, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

